Edumania-An International Multidisciplinary Journal

@2026 International Council for Education Research and Training
2026, Vol. 04, Issue 02, 301-309
ISSN: 2960-0006
DOI: https: https://doi.org/10.59231/edumania/9212

Confidentiality and Its Ethical Implications among the Contemporary Pastors and Counselors

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Abstract

Confidentiality is stronger than confidence, because confidence is a general requirement for the establishing or continuing of any relationship between people. A confidential relationship is thus one in which one or more secrets are shared. Confidentiality is a feature of close friendship and an important ingredient in certain kinds of professional relationship especially between a doctor and a patient, a lawyer and a client, a counsellor and a counselee, a husband and wife, its basic justification lies in the right of an individual to decide whether, and to whom, personal information is to be disclosed. Maintaining confidentiality in pastoral counseling builds trust, fostering spiritual growth and emotional well-being, but also poses ethical dilemmas when secrecy conflicts with the duty to protect others. This requiring careful navigation of legal, moral, and spiritual obligations to balance confidentiality with responsibility. Doing this ultimately impact the counselor's integrity, the clients, congregant's well-being and the church's witness in the community. In order to achieve this, the study employs a descriptive research method. It describes and interprets the conditions or relationships that exist, practices that prevail, beliefs, points of view or attitudes that are helpful; processes that are going on; effects that are being felt, and trends that are developing. With the above in view the paper will talk about the concept of confidentiality, biblical perspective on confidentiality, level of breaking confidential issues, ethical implications of confidentiality for contemporary pastors and counselors, merit derived from confidentiality and its ethical recommendations for contemporary pastors and counselors with a drawn conclusion.

Keywords: Confidentiality, Counselors, Pastors, Ethics

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- **Introduction**

One of the important aspects of human relationship based on mutual trust, enabling one or all parties to disclose to others matters which, if generally revealed, would embarrass or compromise those concerned, is confidentiality (Atkinson:2008: 248). The most restrictive privileged law was enacted by the Federal Government in 1975 protecting disclosure of confidential information regarding treatment of drug and alcohol abuse patients. Confidentiality points clearly to the fact that ministers, as recipients of certain information, whether as church pastor, pastoral counsellor or chaplain, stands at the interface of civic and religious responsibility. In this regard, Hunter submitted that the best approach to follow for church pastor would be to inform the church members of his professional commitment to confidentiality in all counselling and related activities (Hunter: 1990:209-210). Ethics from the Christian perspective is both descriptive of human behaviour and prescriptive in the discerning of the will of God in specific situations "Ethics is not merely a matter of personal feeling or societal convention, but a matter of reason: the morally right thing to do is what we can show to be supported by good reasons." (Rachels: 2019:2) Christian believed that the Bible is the Word of God, the only infallible and inerrant rule of faith and practice, and the highest authority for both doctrine and morals (Davies :1993:4). Therefore, it is not wrong to say that Christian ethics is theological because it relies on God's revelation and the guidance of the Holy Spirit.

Confidentiality is rooted in the philosophical concept of the right to privacy. In western traditions, individuals generally are believed to have the right to keep certain information about themselves secret and to dispense that information at their sole discretion. But pastoral ministry requires that people disclose and discuss personal information of an intimate, sometimes painful in nature especially during the time of counselling (Wesley: 2002:66). Effective pastoral ministry depends upon the nurturing and maintenance of trusting relationship for providing congregational leadership as well as pastoral care. Pastoral ministry begins to crumble when trust cannot be assumed. What a pastor hears from people places him in position of power over others. A host of ethical issues surrounding responsible exercise of confidentiality, yet pastoral confidentiality is a theme that is often considered (Graig: 1998:319&349).

Biblical Perspective on Confidentiality

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The Judeo- Christian tradition of the west provides the originating context for a discussion of confidentiality, especially reference to the practice of private confession. Also, those traditions which acknowledge no continuity with the Roman Catholic Church depend on the ethical and legal precedents arising from the influence of Catholic penitential practice. One might cite the eight commandments as an early warrant for the importance of confidentiality: "You shall not bear false witness against your neighbour". In the New Testament, gossip was condemned and listed with such sin as slander (II Cor. 12:20). In Christian tradition, Christ gave the authority to his apostles to forgive sin (John 20:23) (Graig: 1998: 351). By the fourth century, the practice of penance was fairly standard with public rather than private confession. In the sixth century, priests were threatened with serious punishment and exile should they divulge gained in the confession. By the ninth century, excommunication was also threatened as a sanction. Thomas Aquinas wrote in the thirteen, "A priest should by no means give evidence on matters secretly committed to him in confession, because he knows such things, not as man but as God's minister (Graig: 1998: 351-352). Two significant historical exceptions as explained by Nesman (1997:352) are that the confessional or information occurs in the case of disclosing items that, if not revealed might threaten the life of the pastor or his congregation. The second one happened to be sinned that one is planning to commit. In this aspect, pastors are allowed to do whatever is possible to prevent the potential sin from being committed.

In his own contribution, Atkinson affirms that the scripture cautions against passing on confidential information, and that a distinction should perhaps be drawn between listening to confidences in the context of a request to provide counselling and other assistance, and listening to the people for personal gratification. There is little direct teaching in the scripture about confidentiality, but it is presupposed in a number of places. Gossiping and tale-bearing are condemned (Prov. 18:8, 20:19a). In addition, Jesus praises those whose giving is in secret (Matt. 6:4). The scripture sees confidentiality as possessing a charitable disposition (I Cor. 13:4-6). There is no confidence from God who knows the secret of heart (Rom. 2:16) (Atkinson: 1995:248-249).

- **Ethical Issues in Confidentiality for Contemporary Ministers**

In every ethical decision, Christian counselor seek to act in a way that will honour God, conform to biblical teaching, and respect the personality of his church members. When difficult

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decisions must be made, pastor has an obligation to discuss the situation in confidence with one or two other Christian preferably pastor, lawyer or physician (depending on the situation) who can help in making ethical decision based on the fact or available information Garry: 2007:90). Ethical problems arise when values conflict or when difficult decision have to be made. Many (but not all) of these decisions involve issues of confidentiality. The counselor is committing to keeping information confidential, but in case of where welfare of the counselee or other people is at stake, the counselee should be encouraged to share information directly whit the people involved, (i.e. police, parents or employers) and as a general rule, information should not be shared by the counselor without the consent of the counselee (Garry: 2007: 34-35)). People who go for counseling assume that whatever they revealed to their counselor would be kept confidentially without allowing such to leak out of the counseling room. There are times, however, when confidential issues have to be exposed in order to save life. For example, what should a pastor do when he/she learns that a teenager is suicidal, intending to harm another person or used dangerous drugs? In this type of situation, the pastor is faced with many ethical issues in making decisions about confidentiality as discussed below.

1. What are the issues considered to be reported? Ethical practice allows that if a person is in danger of committing suicide or harming another person it is in everyone's best interest, to report these intentions as it should not be kept confidential.
2. What does the law require? In this regard the pastor is required by law to report any suicidal act. Breaking confidences to the member's relationship in this case is more beneficial to the person than keeping quiet in other to maintain the relationship (Garry: 2007: 249-251). Human beings are social creatures, relational in nature. For the sake of health, there is a vital need to share or leak certain secrets, particularly those producing debilitating guilt.
3. An ethical obligation to divulge information by the pastor may exist in cases where the individual is an imminent danger to self (treat of suicide) or where a person is an imminent danger to others (treat of murder or bodily injury. Breaking of information confided on the pastor can arise when other values would need to be given consideration especially in cases where justice is required in order to save the lives of others (Graig:350 &355).

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4. It is the duty of the pastor to guide the value surrounding the personal privacy and their importance in building pastoral relationships of trust and security in the ministry of the church with the widespread of computerized information storage and distribution. In this regard the church pastor should adhere to the confidentiality provision found in their code of ethics (Hunter: 1990:209-210). The pastor as a confidant should use the avenue of information disclosed to him to proclaim Jesus to the person since the context of Biblical message consists of the proclamation of the gospel of Jesus and the implications for living or doing such a painful thing (Welch: 1997:4).

   With the above in view listed below are some of the ethical implications of Confidentiality for Contemporary Pastors and Counselors.

5. Keep the secret secrete: The contemporary pastors and counselors as confidant of the information disclosed to them by their church members and clients should not just break the information except if that information has a negative impact in the life of the person or other members of the society. Any information relating to personal secret that cannot harm should not be disclosed.
6. Proper implementation of Ethical decorum: The ethical rules guiding preservation and disclosing any information should be adhered to in order to avoid any form of embarrassment or guilt from the side of the law.
7. Protection of Personal Integrity: Contemporary pastors and counselors must know that the necessity of confidentiality must be essential to the realization of the purpose and maintenance of the relationship.
8. Information Preservation: Contemporary ministers as care givers and confidants of church information, should be extra careful in dealing with information relating to church members and other ministers especially on the pulpit. This is necessary because in trying to make illustration on sermons, mistakenly, information confided may be disclose.

- **Level of Breaking Confidentiality**

Historically, the purpose of disclosing confidentiality has been the most theologically defined of the four elements. The important question in this context is whether a person is confessing sins (real or imagined) and asking God's forgiveness through the pastor or whether the person is

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disclosing general information for purposes other than confession. If a person confesses with the purpose of gaining forgiveness and ultimately salvation, then nothing disclosed here may be shared with anyone else for any reason. In this regard, assurances of confidentiality give the person confidence that shameful disclosures will not become public (www.christiancentury.org accessed on 15/11/2012). The pastor as a confidant needs some kind of rules that will help him to distinguish what information may be shared and at what level as well as clarify between private and public information. People assumed that anything revealed to the pastor anywhere should be treated confidentially, regardless of the circumstances of the disclosure without considering the harmful effect of it (Christopher: 2006:119&122). With the above in view, below are to whom and to what lent must information be disclose.

9. Information can be disclosed when the purpose is to fostering the service, protection and benefit the general public well- being toward the carrying out of justice in litigation involved (Hunter:1990:209).
10. Information can be disclosed when there is a risk to the person involved or others.
11. It is of good note to know that information can also be disclose when the result of any confidential case can lead to physical violence against other others, especially if the endangered person is reasonably identified.
12. Any information that is illegal or that can put the church member or other person in harm way can be disclosed to law enforcement agencies in order to protect and secure lives (www.christiancentury.org accessed on 15/11/2012).

- **Pastoral care and counseling roles in confidentiality**

The purpose of pastoral counseling is to provide Bible- based counseling healing, restoration and growth by integrating the teaching of God's word with techniques. They are committed to Jesus Christ as Lord and Saviour, the healing power, the authority of the scripture, and the worth of individual. Pastoral care counselor's role is very important in confidentiality. The pastor as a person with privilege information needs to perform some useful role in managing and disclosing information that is very confidential in nature (www.pcccares.org/about/index.hbm accessed 21/11/2012).

Hunter (1990:209-210) submitted below some of the roles of the pastoral care giver

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13. They are to respect the privacy of their clients and preserve the information discussed during the session except the one that could endanger the life of the person or others are permitted by the law to be revealed.
14. They help to let their clients know that confidentiality is not the same as secrecy. Secrecy is the absolute promise to never reveal information to anyone regardless of the situation, but confidentiality is the promise to hold information in trust and to share it with others only in the best interest of the counselee or the society (Garry: 2007: 307)
15. The pastor as care giver and recipient of certain information, whether as parish pastor, counselor, or chaplain, stands at the interface of civil and religious responsibility. Only the information that the law him/her to share could be disclosed.
16. It is the duty of pastoral care giver to guide the value surrounding the personal privacy and their importance in building pastoral relationships of trust and security in the ministry of the church with the widespread of computerized information storage and distribution (Hunter: 1990: 209-210).
17. The pastor as confidant must know that the necessity of confidentiality should be essential to the realization of the purpose and maintenance of the relationship. This relationship must be protected and fostered in the service of public wellbeing.

Merit Derived from Confidentiality

18. Confidentiality is so vital to establishing a safe, trustworthy helping relationship that the duty to maintain it calls for.
19. It is a central tenet of all codes of ethics in helping profession.
20. It is rooted in the philosophical concept of the right to privacy.
21. It helps the church pastor as a caregiver to know the inner mind of their members and personal information that are sometimes painful
22. It helps the pastor to know the relevant legal statutes on information sharing and legal consultation when the need arises.
23. It helps the professionals like law enforcement agency to protect who become aware of a threat of physical harm from an identifiable individual who attempts to harm such intended person

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24. It does not allow the law court to override privacy. With this, the law court can only use their considerable power to compel the disclosure of information in a situation where legal and ethical issues on confidential overlaps (Carr: 2002: 66).
25. Confidentiality exempts privileged information from the reporting law. The privilege of maintaining information under state law is provided in statute, typically in rules of evidence procedure. In this regard, the circumstances under which privilege to information are allowed varies from state to state (Carire: 2006: 55-56).

● Conclusion and Recommendations

This paper examine confidentiality in pastoral ministry and its ethical implications for contemporary ministers. The paper delves into a brief concept of confidentiality, biblical perspectives on confidentiality, ethical implications of confidentiality, level of breaking confidential issues, pastoral care givers roles in confidentiality and merits of confidentiality. Having examined the issues of confidentiality as presented in this paper. The following recommendations are presented for consideration.

26. The pastor and counselor as the confidant of the information disclosed to them by their client(s) should not just break the information except if such information has a negative impact in the life of the client or other members of the society.
27. The ethical rules guiding the preservation and disclosing any information should be adhered to in order to avoid any embarrassment or guilt from the side of the law.
28. Pastor and counselor as care givers, and confidants of clients' information should be extra careful in dealing with information relating to their client or church members as the case may be on the pulpit.
29. The necessity of confidentiality must be essential to the realization of the purpose and maintenance of the relationship. The paper recommend that community or person involved must sanction the relationship as one which should be protected.

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Received: Jan 21, 2026

Accepted: Mar 06, 2026

Published: Apr 22, 2026

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